

ORAL ARGUMENT HELD APRIL 24, 2025

**IN THE UNITED STATES CIRCUIT COURT
FOR THE DISTRICT OF COLUMBIA**

THE HON. PAULINE NEWMAN,
Circuit Judge
United States Court of Appeals for the Federal Circuit,
Appellant,

v.

THE HON. KIMBERLY A. MOORE,
in her official capacities as
Chief Judge of the U.S. Court of Appeals for the
Federal Circuit,
Chair of the Judicial Council of the Federal Circuit, and
Chair of the Special Committee of the Judicial Council
of the Federal Circuit,

THE HON. SHARON PROST,
in her official capacity as
Member of the Special Committee of the Judicial
Council of the Federal Circuit,

THE HON. RICHARD G. TARANTO,
in his official capacity as
Member of the Special Committee of the Judicial
Council of the Federal Circuit,

and

THE JUDICIAL COUNCIL OF THE FEDERAL
CIRCUIT,
AND ALL MEMBERS THEREOF,

Appellees.

NO. 24-5173

**SUPPLEMENTAL FILING IN
SUPPORT OF OPPOSITION
TO MOTION FOR A STAY OF
REHEARING RESPONSE
DEADLINE IN LIGHT OF
LAPSED APPROPRIATIONS**

Appellant Pauline Newman makes this supplemental filing to inform the Court that Defendant-Appellees are denying litigants in their court precisely the relief they seek in their “Motion for a Stay of Rehearing Response Deadline in Light of Lapsed Appropriations.”

Defendants-Appellees are the members of the Federal Circuit Judicial Council. The Federal Circuit issued an order addressing the government shutdown and titled “Operations in the Absence of an Appropriate or Continuing Resolution.” See [order](#). This order states: “**The court will not entertain any motions for extension based solely on a lapse in appropriations.**” Order at 2 (emphasis added). The order is signed by Chief Judge Moore. *Id.*

Conclusion

This policy contradicts the Judiciary Council’s Motion for a Stay, providing still further reason it should be denied.

Respectfully submitted,

/s/*John J. Vecchione*

John J. Vecchione
Andrew J. Morris
Senior Litigation Counsel

NEW CIVIL LIBERTIES ALLIANCE
4250 N.FAIRFAX Dr., Suite 300
Arlington, Va. 22203
Telephone: (202) 869-5210
Facsimile: (202) 869-5238
john.vecchione@ncla.legal

Counsel for Plaintiff-Appellant

CERTIFICATE OF COMPLIANCE

This document complies with the type-volume limit of the Federal Rule of Appellate *Procedure* 40(d)(3)(A) because it contains 462 words. It also complies with the typeface and type-style requirements of the Federal Rule of Appellate Procedure because it was prepared using Microsoft Word in Century Schoolbook 14-point font, a proportionally spaced typeface.

/s/ John J. Vecchione

John J. Vecchione

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing all registered users associated with this case.

/s/ John J. Vecchione
John J. Vecchione
NEW CIVIL LIBERTIES ALLIANCE
4250 N.FAIRFAX Dr., Suite 300
Arlington, Va. 22203
Telephone: (202) 869-5210
Facsimile: (202) 869-5238
john.vecchione@ncla.legal

Counsel for Appellant